



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 18, 1999, 8:00 p.m.

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Dowling.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATION: Winners of Clean Up Days Poster and Essay Contest and
Environmental Achievement Awards

Mayor Cooper announced that awards would be presented to all the winners of the 1999 Poster and Essay Contest and this year's Environmental Achievement Awards to local businesses. Council Member Hilson acknowledged all those who volunteered services to make these presentations, as well as those supporting the Hayward Community Festival on Saturday, May 22, 1999. Council Member Hilson also acknowledged other members of Council's Environment Committee: Council Members Olden Henson and Kevin Dowling, the selection committee that included Ed Mullins from the Hayward Chamber of Commerce and Ann Marie Peters from the President's Office at CSUH, and Joe Lucia from Water Pollution Source Control of the Public Works department.

At the conclusion of the presentations, Mayor Cooper called for a three-minute recess after which she reconvened the meeting at 8:41 p.m.

Mayor Cooper read a letter from Milan Dobro in support of Spectrum Services. She noted that Council did indeed fund Spectrum.

PUBLIC COMMENTS

Francisco Abrantes, 22815 Alice Street, displayed several framed commendations and various books regarding Portuguese history and the Portuguese involvement in World War II.

Jason Moreno, 25200 Carlos Bee Boulevard, made particular comments, which resulted in Mayor Cooper requesting that he be escorted out of the Council Chamber.

Velvia Long, 2640 Randall Way, submitted and read a statement in regard to the narrowness of the width of upper B Street and the poor planning involved.

DRAFT

William Blundin, 1089 "D" Street, was told he was out of order, asked to not shout, and then he was escorted out of the Chamber.

Roger Womack, 23676 Nevada Road, excused himself from speaking.

Ron Barklow, 1210 Tiegen Drive, commented on the color of paint used to paint over graffiti, in particular at the Oliver building. He asked about the South of 92 project and the environmental reports.

Jack Spencer, 1013 D Street, apologized for Mr. Blundin. He stated that he works evenings and has been treated as a homeless person at the Hayward Library Park by the Hayward Police.

Mayor Cooper suggested that Mr. Spencer introduce himself to the officers in the area so he becomes known to them.

CONSENT

1. Approval of Minutes of the Meeting of the City Council of May 11, 1999.

It was moved by Council Member Jimenez, seconded by Council Member Hilson, and unanimously carried to approve the Minutes of the Meeting of the City Council of May 11, 1999.

2. Adoption of Ordinance Amending the Hayward Municipal Code Pertaining to Card Club Regulations

Staff report submitted by City Clerk Reyes, dated May 18, 1999, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Ordinance 99-11, "An Ordinance Amending Chapter 4, Article 3 of the Card Club Regulations of the City of Hayward to Comply with Changes in State Law"

HEARINGS

3. Hearing on Report and Assessment for Unpaid Community Preservation Fees

Staff report submitted by Development Services Administrator Carash, for May 18, 1999, was filed.



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 18, 1999, 8:00 p.m.**

Council Members asked about various liens outlined in the report.

Mayor Cooper then opened the public hearing at 9:33 p.m.

Elena Terriquez, 22344 Happyland Avenue, asked why she received an invoice for the full amount when she has made frequent payments on this. She was asked to come in to the Finance Office during office hours to clear up this matter. She was also told that if she made the final payment by the end of July, there would be no lien on the property.

Szelam Chan, 35488 Ratto Place, Fremont, indicated that his tenant left the trash on the street and he was not notified in a timely manner. It was noted that the Assessor's Office has not provided the City with his Fremont address, so the notice was sent to the property. Mr. Chan also indicated that his tenant has already made some payments.

Bill Donelson, 1894 Taylor Road, Bethel Island, commented that the utility trailer is in rear of his property and cited the ordinance indicating that property cannot be stored on the side or the front of the house. He said this fine was not just.

Development Services Administrator Carash enumerated the contacts that staff made. He said it was the result of a complaint and included garbage and debris as well. Various notices were sent and fees were assessed but notices were returned. A reinspection showed debris and garbage in the area.

Phil Lee, 1756 Egret Court, said he paid the community preservation charge and spoke in protest of the bill. He indicated that, particularly with the dumpster on his property, he has a lot of garbage dumped on his property. He would be more than willing to clean up the property if he is properly notified when the inspector sees a problem.

Stephen Tingley, 22472 Linden Street, described the circumstances regarding a shed that was erected in 1997 in the setback behind his property. He indicated that the shed was moved in 1998 and was cleared by the City at that time. He said he had tried to get a variance for the shed during that period of time as well.

David Cook, 31595 Chicoine Avenue, asked for an explanation of his fine. He stated that he has complied and cleared his property.

Development Services Administrator Carash indicated that debris had accumulated in the drive-way of the property.

Scott Harrison, 8241 Mulberry Place, Dublin, said he was notified but confused by separate letters and separate inspections done by the City. He contacted his tenants to clear up his property from car parts and other debris.

DRAFT

Len Hillhouse, 2549 Stanton Hill Road, Castro Valley, asked for an adjustment on his inspection fee as his tenants were not responsible in constructing an illegal six-foot fence. He said he would have taken care of shortening the fence had he known about it.

Abdul Tarin, 651 Folsom Avenue, said he was the victim of bad tenants and tried to keep the property clean. He spoke with the inspector and was given to understand that if he cleared the property, he would be forgiven his debt.

Pilar Navales, 2161 Whitman Way Manor #35, San Bruno, protested a number of the formats for notification of the property.

Mayor Cooper closed the public hearing at 10:40 p.m.

Mayor Cooper reiterated Council's concern to maintain the City's housing stock. She reminded those landlords that there are costs to doing business.

Council Member Henson moved, seconded by Council Member Jimenez, to accept the staff recommendation with the exception of Mr. Hillhouse, and for Mr. Tingley a reduction in half of his fees as part of the motion because of extenuating circumstances.

Council Member Rodriquez asked that #49 Elena Terriquez be included as an exception.

The City Manager said Ms. Terriquez would be making her payment and the assessor will not be notified of a lean to her property.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and unanimously carried by all present, to accept the staff recommendation, that includes deleting #3, #18, #25, #4, and #42, exempting Mr. Hillhouse #(24) and adjusting by half the fees for Mr. Tingley (#50) due to extenuating circumstances, and approve the following:

Resolution 99-081, "Resolution Confirming the Report, as Revised, of the Enforcement Officer for Public Nuisance Abatement from Certain Properties in the City of Hayward in Connection with the Community Preservation Program for 1998"

4. Hearing on Report and Assessment for Unpaid Weed Abatement Fees

Staff report submitted by Development Services Administrator Carash, for May 18, 1999, was filed.

Mayor Cooper opened the public hearing at 11:03 p.m.

Scott West, 24819 St. Luke Court, explained that it was an exceptionally rainy season. He stated



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 18, 1999, 8:00 p.m.

that the City abated the property before his due date. He stated that the City charged him \$1,000 and then he received another abatement for property within one month.

Charles Scott, 17522 Garland Court, Castro Valley, stated that the tenant at 24295 Magna had been under eviction notice at the time of the assessment. The owner was not aware of the assessment until he received the notice.

Development Services Administrator Carash indicated that Mr. Scott was not on the lien list for this meeting. City Manager Armas said staff would call him the next day to help work out the billing.

Mark Altieri, 254 Bay Vista Circle, Sausalito, representing Matthew Zaheri, claimed that the property he represented borders City property and had already been cleaned, he asked for an adjustment of the inspection fees.

Development Services Administrator Carash explained that the bill was minimal since they did clean their property.

Mayor Cooper closed the public hearing at 11:37 p.m.

It was moved by Council Member Ward, seconded by Council Member Jimenez, to accept the staff recommendation, deleting #1,15, 21,30, 31, 33, 43, 44, 48, 49, 50, and 56, and reduce the fee for West Properties #20, and reduce #23 to \$100:

Mayor Cooper said she was not comfortable with this motion. It is not the first time this property has been on before them and this property should be included at full amount.

Council Member Hilson explained that the property owner was not in compliance after May.

Council Member Dowling said he would like to impose the full fee.

Council Member Henson said it was still confusing.

Council Member Jimenez asked for a friendly amendment to reduce the fees to Mr. Scott to the \$1,500 cost to the City. Mayor Cooper said she could vote for that.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and carried by the following roll call vote to accept the staff recommendation, deleting # 1,15, 21,30, 31, 33, 43, 44, 48, 49, 50, and 56, and approve a friendly amendment by adjusting the fee to \$1,500 for West Properties #20 and reduce #23 to \$100:

AYES: Council Members Jimenez, Hilson, Ward, Dowling,
Henson

DRAFT

MAYOR Cooper
NOES: Council Member Rodriquez
ABSENT: None
ABSTAINED: None

Resolution 99-082, "Resolution Confirming the Report of the Enforcement Officer for Weed, Rubbish, and Litter Abatement from Certain Properties in the City of Hayward in Connection with the Weed Abatement Program for 1998"

5. Hearing on Report and Assessment for Unpaid Rental Residential Inspection Fees

Staff report submitted by Development Services Administrator Carash, for May 18, 1999, was filed.

Mayor Cooper opened the public hearing at 11:50 p.m.

Denie Burget, 142 Cinnabar Way, Hercules, asked for the \$400 fees to be waived. His biggest problem was the tenants to whom he rented. He appealed for a waiver of the fees because he is working on the problem. He also indicated that, to date, he had not received an itemized list of the code violations.

Council Member Henson asked whether the citations were for code violations.

Development Services Administrator Carash indicated that a number were for code violations and the property was posted substandard. His permits are about to run out.

Mayor Cooper closed the public hearing at 11:57 p.m.

Mayor Cooper then indicated that this is the cost of doing business.

It was moved by Council Member Hilson, seconded by Council Member Dowling, and unanimously carried by all present, to delete # 15, 30, 31, 33, 43, 44, 48, 49, 50, 56 and approve the following with a friendly amendment by Council Member Jimenez to direct staff to provide a listing of the violations to Burget (#6):

Resolution 99-083, "Resolution Confirming the Report of the Enforcement Officer for Residential Rental Inspection Fees From Certain Properties in the City of Hayward"



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 18, 1999, 8:00 p.m.

COUNCIL REPORTS - There were no Council reports

ADJOURNMENT

Mayor Cooper adjourned this regular meeting at 12:07 a.m., in memory of John Nicholas Pappas, who passed away. She read the proclamation Mayor Emeritus Pappas was known for his dedication to this community. He began his service to this community in 1958 when he was appointed to the Personnel Board. The following year he was appointed to the Planning Commission in 1959. His political career in Hayward began in 1960 as a Council Member and served for 16 years. During his tenure he also served as Mayor and Mayor Pro Tempore. Later, he served on many committees and various service clubs. In February, 1986, he was named Chief Protocol and in May, 1988, he was named Mayor Emeritus.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

DRAFT